

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
JUN 28 2007

[Signature]
CLERK

CARL A. LEACRAFT,

Plaintiff,

vs.

BRANDON P.D.;

WAYNE ELLINGSON, Sgt.;

Defendants.

CIV. 06-4086

ORDER

Plaintiff brings this prisoner civil rights action pursuant to 42 U.S.C. § 1983. The Magistrate Judge issued a Report and Recommendation recommending that the Complaint be dismissed for failure to state a claim upon which relief can be granted.

Plaintiff filed no objections to the Report and Recommendation. After conducting an independent review of the record, the Court agrees with the Magistrate Judge. Accordingly,

IT IS ORDERED that:

1. The Report and Recommendation (Doc. 8) is ADOPTED.
2. Plaintiff's complaint is dismissed, without prejudice, for failure to state a claim upon which relief can be granted, each party to pay their own costs.

Dated this 28th day of June, 2007.

BY THE COURT:

[Signature: Lawrence L. Piersol]
Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

By: *[Signature: Shelly Margulies]*, Deputy
(SEAL)